

## SENATE BILL NO. 241

INTRODUCED BY SHEA, PERRY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING "DEALER", "~~DEALERSHIP~~", "MOTOR VEHICLE", AND  
5 "NEW MOTOR VEHICLE" FOR THE PURPOSES OF SECTIONS 61-4-131 THROUGH 61-4-137, 61-4-141,  
6 AND 61-4-150, MCA, IN ORDER TO PROVIDE THAT THE RIGHT OF A DESIGNATED FAMILY MEMBER TO  
7 SUCCEED IN THE OWNERSHIP OR OPERATION OF A NEW MOTOR VEHICLE DEALERSHIP INCLUDES  
8 PERSONAL WATERCRAFT, SNOWMOBILE, AND OFF-HIGHWAY ~~VEHICLE FRANCHISES~~ VEHICLES AND  
9 IN ORDER TO PROVIDE THAT A MANUFACTURER'S RIGHT OF FIRST REFUSAL AND A DEALER'S  
10 RIGHTS WITH RESPECT TO THE SALE, TRANSFER, OR EXCHANGE OF A DEALERSHIP APPLY TO  
11 PERSONAL WATERCRAFT, SNOWMOBILE, AND OFF-HIGHWAY ~~VEHICLE FRANCHISES~~ VEHICLES; AND  
12 AMENDING SECTION 61-4-131, MCA."

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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16 **Section 1.** Section 61-4-131, MCA, is amended to read:

17 **"61-4-131. Definitions.** As used in 61-4-131 through 61-4-137, 61-4-141, and 61-4-150, the following  
18 definitions apply:

19 (1) "Dealer" includes a ~~franchisee~~ NEW MOTOR VEHICLE DEALER as defined in 61-4-201.

20 ~~(2) "Dealership" means a contract or agreement, expressed or implied, whether oral or written, including~~  
21 ~~a franchise as defined in 61-4-201, by which a person is granted the right to sell or distribute new motor vehicles.~~

22 ~~(3)~~ (2) (a) "Designated family member" means the spouse, child, grandchild, parent, brother,  
23 or sister of a dealer who;

24 (i) in the case of a deceased dealer;

25 (A) is entitled to inherit the dealer's ownership interest in the dealership under the terms of the dealer's  
26 will; or under the laws of intestate succession of this state; or

27 (B) ~~who~~ has otherwise been designated in writing by a deceased dealer to succeed the deceased in  
28 the motor vehicle dealership; or

29 (ii) ~~under the laws of intestate succession of this state or who,~~ in the case of an incapacitated dealer,  
30 has been appointed by a court as the legal representative of the dealer's property.

